



House of Representatives

General Assembly

File No. 92

January Session, 2007

Substitute House Bill No. 7266

House of Representatives, March 20, 2007

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS THROUGH THE INTERNET.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-11 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) The bureau in the Division of State Police within the Department
4 of Public Safety known as the State Police Bureau of Identification shall
5 be maintained for the purposes (1) of providing an authentic record of
6 each person sixteen years of age or over who is charged with the
7 commission of any crime involving moral turpitude, (2) of providing
8 definite information relative to the identity of each person so arrested,
9 (3) of providing a record of the final judgment of the court resulting
10 from such arrest, unless such record has been erased pursuant to
11 section 54-142a, and (4) for maintaining a central repository of
12 complete criminal history record disposition information. The
13 Commissioner of Public Safety is directed to maintain the State Police

14 Bureau of Identification, which bureau shall receive, classify and file in
15 an orderly manner all fingerprints, pictures and descriptions,
16 including previous criminal records as far as known of all persons so
17 arrested, and shall classify and file in a like manner all identification
18 material and records received from the government of the United
19 States and from the various state governments and subdivisions
20 thereof, and shall cooperate with such governmental units in the
21 exchange of information relative to criminals. The State Police Bureau
22 of Identification shall accept fingerprints of applicants for admission to
23 the bar of the state and, to the extent permitted by federal law, shall
24 exchange state, multistate and federal criminal history records with the
25 State Bar Examining Committee for purposes of investigation of the
26 qualifications of any applicant for admission as an attorney under
27 section 51-80. The record of all arrests reported to the bureau after
28 March 16, 1976, shall contain information of any disposition within
29 ninety days after the disposition has occurred.

30 (b) Any cost incurred by the State Police Bureau of Identification in
31 conducting any name search and fingerprinting of applicants for
32 admission to the bar of the state shall be paid from fees collected by the
33 State Bar Examining Committee.

34 (c) The Commissioner of Public Safety shall charge the following
35 fees for the service indicated when not provided through the Internet:
36 (1) Name search, eighteen dollars; (2) fingerprint search, twenty-five
37 dollars; (3) personal record search, twenty-five dollars; (4) letters of
38 good conduct search, twenty-five dollars; (5) bar association search,
39 twenty-five dollars; (6) fingerprinting, five dollars; (7) criminal history
40 record information search, twenty-five dollars. Except as provided in
41 subsection (b) of this section, the provisions of this subsection shall not
42 apply to any federal, state or municipal agency.

43 (d) The Commissioner of Public Safety shall make available to the
44 public Connecticut name and date of birth criminal history records
45 checks through the Internet, after certification to the joint standing
46 committee of the General Assembly having cognizance of matters

47 relating to public safety that (1) the necessary technology is in place; (2)
48 the necessary technology has been tested; and (3) all disclosable
49 information has been entered and is available for search. The
50 Commissioner of Public Safety shall adopt regulations, in accordance
51 with chapter 54, to set a schedule of fees to be charged to cover the cost
52 for such Internet services and concerning the requirements for such
53 Internet services.

54 (e) There is established a separate, nonlapsing account within the
55 General Fund, to be known as the "State Police Bureau of Identification
56 account". All fees collected under this section shall be credited to the
57 State Police Bureau of Identification account for use by the Department
58 of Public Safety and may not be diverted for any purpose other than
59 the financial support of the operation of the State Police Bureau of
60 Identification.

61 Sec. 2. (*Effective from passage*) On or before January 1, 2008, the
62 Commissioner of Public Safety shall report to the joint standing
63 committee of the General Assembly having cognizance of matters
64 relating to public safety, in accordance with the provisions of section
65 11-4a of the general statutes, concerning the Department of Public
66 Safety's progress towards achieving the capability of offering Internet
67 criminal history records checks and the amount of appropriations
68 necessary to achieve such capability.

69 Sec. 3. Section 54-142i of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective October 1, 2007*):

71 All criminal justice agencies which collect, store or disseminate
72 criminal history record information shall:

73 (a) Screen and have the right to reject for employment, based on
74 good cause, all personnel to be authorized to have direct access to
75 criminal history record information;

76 (b) Initiate or cause to be initiated administrative action that could
77 result in the transfer or removal of personnel authorized to have direct

78 access to such information when such personnel violate the provisions
79 of these regulations or other security requirements established for the
80 collection, storage or dissemination of criminal history record
81 information;

82 (c) Provide that direct access to computerized criminal history
83 record information shall be available only to authorized officers or
84 employees of a criminal justice agency, and, as necessary, other
85 authorized personnel essential to the proper operation of a criminal
86 history record information system, except that: [the] (1) The judicial
87 branch may provide disclosable information from its combined
88 criminal and motor vehicle information systems to the public
89 electronically, including through the Internet, in accordance with
90 guidelines established by the Chief Court Administrator, and (2) the
91 Department of Public Safety may provide criminal history record
92 information in accordance with the provisions of section 29-11, as
93 amended by this act;

94 (d) Provide that each employee working with or having access to
95 criminal history record information shall be made familiar with the
96 substance and intent of the provisions in this section;

97 (e) Whether manual or computer processing is utilized, institute
98 procedures to assure that an individual or agency authorized to have
99 direct access is responsible for the physical security of criminal history
100 record information under its control or in its custody, and for the
101 protection of such information from unauthorized access, disclosure or
102 dissemination. The State Police Bureau of Identification shall institute
103 procedures to protect both its manual and computerized criminal
104 history record information from unauthorized access, theft, sabotage,
105 fire, flood, wind or other natural or man-made disasters;

106 (f) Where computerized data processing is employed, institute
107 effective and technologically advanced software and hardware designs
108 to prevent unauthorized access to such information and restrict to
109 authorized organizations and personnel only, access to criminal
110 history record information system facilities, systems operating

111 environments, systems documentation, and data file contents while in
112 use or when stored in a media library;

113 (g) Develop procedures for computer operations which support
114 criminal justice information systems, whether dedicated or shared, to
115 assure that: (1) Criminal history record information is stored by the
116 computer in such a manner that it cannot be modified, destroyed,
117 accessed, changed purged, or overlaid in any fashion by noncriminal
118 justice terminals; (2) operation programs are used that will prohibit
119 inquiry, record updates, or destruction of records, from any terminal
120 other than criminal justice system terminals which are so designated;
121 (3) the destruction of records is limited to designated terminals under
122 the direct control of the criminal justice agency responsible for creating
123 or storing the criminal history record information; (4) operational
124 programs are used to detect and store for the output of designated
125 criminal justice agency employees all unauthorized attempts to
126 penetrate any criminal history record information system, program or
127 file; (5) the programs specified in subdivisions (2) and (4) of this
128 subsection are known only to criminal justice agency employees
129 responsible for criminal history record information system control or
130 individuals or agencies pursuant to a specific agreement with the
131 criminal justice agency to provide such programs and the programs
132 are kept continuously under maximum security conditions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	29-11
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2007</i>	54-142i

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Safety, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires: (1) the Department of Public Safety (DPS) commissioner to put searchable criminal history records on the Internet, (2) the DPS commissioner to establish a fee schedule for Internet searches, and (3) a new non-lapsing State Police Bureau of Identification account to be established within the General Fund.

Posting criminal history records on the Internet will result in a cost of up to \$300,000 associated with acquiring and developing the software and resources necessary to post data on the Internet. Currently, DPS is entering data from a backlog of information into the Connecticut Criminal History (CCH) database and developing an interface with the Automatic Fingerprint Identification System (AFIS). Additional software would be required to interface the information from the existing databases to the Internet.

The costs for the computer equipment and software could be incurred in either FY 08 or FY 09, depending on the amount of time it takes to locate and select the software and vendor, and receive certification by the Public Safety and Security Committee. This is a one-time cost, and once the new system is up and running it will be self sustaining with the dedicated fund and the fees collected.

The Out Years

There are no on-going costs to the state as the fiscal impact is one-time in nature.

OLR Bill Analysis**sHB 7266*****AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS
THROUGH THE INTERNET*****SUMMARY:**

This bill requires the Department of Public Safety (DPS) commissioner to put criminal history records on the Internet so the public can use it to conduct name and date-of-birth criminal history record checks. The commissioner must do this after certifying to the Public Safety and Security Committee that (1) the necessary technology is in place, (2) it has been tested, and (3) DPS has entered all disclosable information in the system and it is available for use. By January 1, 2008, the bill requires the commissioner to report to the committee on progress setting up the system and the amount of appropriation necessary to accomplish the task.

The bill requires the commissioner to adopt regulations establishing a fee schedule for Internet searches and requirements for conducting them. It establishes the State Police Bureau of Identification (SPBI) account as a separate, nonlapsing General Fund account and requires that fees for Internet searches and also for existing SPBI searches be credited to the account for the bureau.

The bill exempts the provision of criminal history records for Internet criminal history record check purposes from a provision that generally limits direct access to computerized criminal history records to law enforcement agencies and other authorized personnel. It appears to exempt the provision of the records in connection with non-Internet based searches as well.

EFFECTIVE DATE: Upon passage for the committee report, July 1 for Internet searches, and October 1 for the exemption provision.

BACKGROUND***Fees***

By law, the various SPBI searches and fees are as follows:

1. name search, \$18;
2. fingerprint search, \$2;5
3. personal record search, \$25;
4. letters of good conduct search, \$25;
5. bar association search, \$25;
6. fingerprinting, \$5, and
7. criminal history record information search, \$25.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/06/2007)